REMARKS

Reconsideration of the application is respectfully requested.

The Office Action rejected claims 1-15 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,405,337 ("Grohn"). Applicant respectfully traverses the rejection. As understood by applicant, Grohn discloses a round-trip communications delay that is measured between two devices that communicate with one another over a communications network and adjusting an adjustable retransmission timeout based upon at least one of the round-trip communications delays that are repeatedly measured. According to Grohn, the overall communications speed between the two devices may be increased by accounting for the actual delay that is present in a network at a current time, and basing an adjustable retransmission timeout on this actual delay (See Grohn Abstract).

On the other hand, the present application is directed to a system and method for initiating generation of a "busy" signal, e.g., a long busy, for receipt by the primary production host so that when the primary host enterprise storage server (ESS) redrives, the peer-to-peer remote copy (PPRC) data volume transfer may continue between the primary and secondary ESS systems.

Consequently, Grohn does not disclose every element claimed in claims 1-15. For instance, Grohn does not disclose at least "initiating generation of a busy signal for receipt by said host device to prevent suspension of data content transfer operations between said first storage system and said remote second storage system for an additional timeout period, wherein said host device at said first storage system is available to write new data contents to said first storage system for subsequent transfer to said remote second storage system after said additional time out period" as claimed in independent claims 1 and 11. Similarly, Grohn does not disclose or suggest "means for generating a busy signal for receipt by said host device to prevent suspension of data content transfer operations between said first storage system and said remote second storage system for an additional timeout period if no successful transfer has occurred within said timeout period, wherein said host device at said first storage system is available to write new data contents to said first storage system for subsequent transfer to said remote second storage system after said additional time out period" as claimed in independent claim 6.

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The Office Action cites column 6, line 64 to column 7, line 7 as allegedly disclosing those elements. That section of Grohn as understood by applicant describes comparing current delay to the retransmission timeout and if the current delay is not less than the retransmission timeout, then retransmitting the message if the retransmission counter is greater than zero. If the current delay is less than the retransmission timeout, then a test is made as to whether an acknowledgment has been received and if no acknowledgment was received, recalculating the current delay and repeating the above steps. Grohn further appears to disclose checking the message's checksum value to test for successful transmission of the message if acknowledgment was received.

That section, however, does not disclose or suggest generating a busy signal for receipt by a host device to prevent suspension of data content transfer operations between first storage system and remote second storage system for an additional timeout period, wherein the host device at the first storage system is available to write new data contents to the first storage system for subsequent transfer to the remote second storage system after the additional time out period. To reiterate, the claims in the present application are directed to initiating generation of a "busy" signal, e.g., a long busy, for receipt by the primary production host so that when the primary host enterprise storage server (ESS) redrives, the peer-to-peer remote copy (PPRC) data volume transfer may continue between the primary and secondary ESS systems. Accordingly, applicant believes that Grohn does not anticipate independent claims 1, 6 and 11 and by virtue of their dependencies, claims 2-5, 7-10 and 12-15.

In addition, although the above reasoning is believed to be sufficient to overcome the anticipation rejection of all pending claims over Grohn, applicant further distinguishes claims 4, 9 and 14. Specifically, Grohn does not disclose or suggest "weighting factor determined according to an error type contributing to ... unsuccessful transfer" as claimed in claims 4, 9 and 14. The section of Grohn cited in the Office Action as allegedly disclosing this element at most states that the value of the maximum number of allowable retransmissions depends on the application. However, Grohn lacks in explaining what is meant by "the application." On the other hand, claims 4, 9 and 14 claim "weighting factor determined according to an error type." Applicant respectfully submits that an application is different from an error type and accordingly an application does not disclose or suggest an error type contributing to an unsuccessful transfer. Accordingly, claims 4, 9 and 14 are further distinguishable from Grohn.

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For the foregoing reasons, applicant believes that Grohn does not anticipate pending claims 1-5 in the present application. This communication is believed to be fully responsive to the Office Action and every effort has been made to place the application in condition for allowance. A favorable Office Action is hereby earnestly solicited. If a telephone interview would be of assistance in advancing prosecution of the subject application, the Examiner is requested to telephone the number provided below.

Respectfully submitted,

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